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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,044	03/22/2004	David J. Thomsen	333628003US1	9996

25096 7590 03/06/2007  
PERKINS COIE LLP  
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EXAMINER
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DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
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2161

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/806,044

Applicant(s)

THOMSEN, DAVID J.

Examiner

Chelcie Daye

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/19/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is issued in response to Applicant's election filed January 10, 2007.
2. Claims 3 and 10-12 are pending. Claims 1-2, 4-9, and 13-29 are cancelled.

### ***Election/Restrictions***

3. Claims 1-2, 4-9, and 13-29 are cancelled from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/10/07.

### ***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 07/19/04 was filed after the mailing date of the application on 3/22/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 3 recites within the second limitation "... , wherein user input associated with the completed questionnaire forms is used to update the collection ...". However, the last limitation within the claim states, "updating the collection ... based on receiving a submission of an at least *partially completed questionnaire* form". It is unclear to the examiner whether the questionnaire form is required to be complete before updating the occupational information or if only a portion of the questionnaire is needed to begin the process of updating the occupational information. Examiner is also unsure when the step of updating the collection of occupational information will proceed if the partially complete questionnaire is not entirely filled in. Further corrections needed.

Claim 12 states, "wherein the questionnaire is pregraded for the specified occupation". The term "pregraded" is not used within the specification nor is the term defined within the specification in such a way to allow the examiner to understand the scope of the term. For example, it is unclear to the examiner if the term "pregraded" is being used literally, which means that the specific occupation is graded previously or if the term means that the questionnaire used is specifically chosen for the particular occupation analyzed. In order to further prosecution, the broadest reasonable interpretation will be given.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claims 3 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pullen (US Patent Application No. 20040064390) filed September 26, 2002, in view of Kauderer (US Patent Application No. 20040172311) filed February 23, 2003.**

Regarding Claim 3, Pullen discloses a method for providing and collecting information associated with a collection of occupational information, the method comprising:

providing a publicly available web site for users of occupational information ([0030], lines 1-13, Pullen)<sup>1</sup>, wherein the publicly available web site allows the users of occupational information to access information associated with the collection of occupational information ([0031], Pullen) and to contribute information used to update the collection of occupational information ([0033], Pullen)<sup>2</sup>;

providing access to information recently contributed via the publicly available web site ([0040], Pullen), wherein the recently contributed information includes information contributed using questionnaire forms provided on the publicly available web site ([0034], Pullen)<sup>3</sup>, wherein the questionnaire forms are configured for completion by the users of occupational information ([0002], lines 8-22, Pullen), and wherein user input

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<sup>1</sup> Examiner Notes: The occupational information is represented by wages and benefits information for a company.

<sup>2</sup> Examiner Notes: The option of submitting data into a survey corresponds to the contributed information. Also, the "Sea Sand Resort" is the selected information to be updated.

<sup>3</sup> Examiner Notes: The survey represents the questionnaire form.

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associated with the completed questionnaire forms is used to update the collection of occupational information ([0033], lines 8-27, Pullen). While it is inherently clear that Pullen discloses the steps taken to update occupational information, which therefore warrants the step of updating, the actual step of updating is not explicitly mentioned. As such, Kauderer discloses updating the collection of occupational information based on receiving a submission of an at least partially completed questionnaire form ([0029], lines 22-24, Kauderer)<sup>4</sup>. Pullen and Kauderer are analogous art because they are from the same field of endeavor of web-based information services for companies. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Kauderer's teachings into the Pullen system. A skilled artisan would have been motivated to combine as suggested by Kauderer at paragraph [0004], in order to provide a system for creating and administering a survey. This would be beneficial to the system for evaluation of the activities or tasks within a company and to provide greater flexibility for the information. As such, updating the occupational information provide for a greater flexibility in analyzing the data and generating the needed information.

Regarding Claim 10, the combination of Pullen in view of Kauderer, disclose in a computer system, a method for maintaining a collection of occupational information including descriptions of specific occupations, the method comprising:

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<sup>4</sup> Examiner Notes: As stated within paragraph [0028], lines 10-16; wherein "the survey presents a list of tasks performed by the employee and requests the employee to assign a rank to each of the tasks. Therefore, the task list within the survey represents the questionnaire form.

providing end users with access to the collection of occupational information ([0030], lines 1-13, Pullen), including providing access to a questionnaire for receiving input from a user of the collection ([0032], Pullen), wherein the questionnaire is for association with a specified occupation for which information is maintained in the collection of occupational information ([0033], lines 1-6, Pullen)<sup>5</sup>;

receiving the questionnaire from the end user ([0032], Pullen);

analyzing the information in the received questionnaire ([0035], lines 1-8, Pullen);

providing the user with results of the analysis of the questionnaire ([0068], lines 1-5, Kauderer); and

updating the collection of occupational information to include information extracted from the questionnaire ([0029], lines 22-24, Kauderer).

Regarding Claim 11, the combination of Pullen in view of Kauderer, disclose the method wherein the questionnaire is a job analysis questionnaire ([0028], lines 7-10, Kauderer).

Regarding Claim 12, the combination of Pullen in view of Kauderer, disclose the method wherein the questionnaire is a job analysis questionnaire ([0028], lines 7-10, Kauderer) and wherein the questionnaire is pregraded for the specified occupation ([0074], lines 16-20, Kauderer).

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<sup>5</sup> Examiner Notes: The hospitality industry corresponds to the specified occupation.

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***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye  
Patent Examiner  
Technology Center 2100  
February 22, 2007

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